

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHNSON CONTROLS, INC.,

Plaintiff,

vs.

Case No. 04-74020

JAY INDUSTRIES, INC.,

HON. AVERN COHN

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR STAY

This is a commercial dispute. Defendant is a second-tier supplier of auto parts utilized by plaintiff, a first-tier supplier of seat assemblies sold to Ford Motor Company. The parts are produced and sold under a supply agreement while provides for price increases under defined circumstances. Defendant notified plaintiff of price increases and stated that unless plaintiff pays the increased price, it will cease production of the parts. Plaintiff says that the price increases are arbitrary and improper under the defined circumstance.

Plaintiff filed a motion for a preliminary injunction seeking preservation of the status quo relative to pricing. On November 4, 2005, the Court entered a preliminary injunction which stated in part that "defendant shall continue to supply plaintiff with the parts at such time and in such quantities as directed by plaintiff at the current prices." Defendant has appealed the order.

Before the Court is defendant's motion for stay of the preliminary injunction pending appeal. For the reasons stated on the record at the hearing on November 8, 2005, the motion is DENIED.

SO ORDERED.

Dated: November 9, 2005
Detroit, Michigan

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE